



U.S. Department of Justice

United States Attorney
Southern District of New York

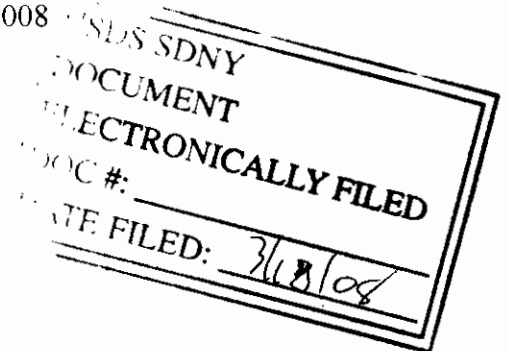
MEMO ENDORSED

86 Chambers Street – 3rd Floor
New York, New York 10007

March 14, 2008

By Hand

Hon. Richard J. Sullivan
United States District Judge
United States District Courthouse
500 Pearl Street, Room 615
New York, New York 10007



Re: New York Times v. Dep't of Defense,
07 Civ. 7481 (RJS)

Dear Judge Sullivan:

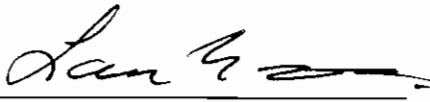
I write respectfully on behalf of defendants United States Department of Defense ("DOD") and United States Department of the Army (collectively "the Government") to update the Court on the status of the Government's response to the Freedom of Information Act ("FOIA") request of the New York Times ("plaintiff") for records related to DOD's communications with certain military analysts (the "FOIA request"), and to request an extension of time to produce additional emails from the accounts of twelve individuals employed in DOD's Office of the Executive Secretariat.

On February 29, 2008, the Court adopted the Government's proposed schedule for producing emails from the Office of the Executive Secretariat and a Vaughn index by March 17, 2008. The Government will complete a Vaughn index by the deadline, but needs additional time to produce the emails. As the Government explained in its February 13, 2008 letter, retrieving responsive emails requires reconstructing the email accounts of those individuals who are no longer employed by the Office of the Executive Secretariat. This time-consuming process has taken longer than anticipated. The Government will produce some responsive emails no later than March 21, 2008, and anticipates completing the production no later than March 31, 2008. If additional time is needed, the Government will update the Court on the status of the remaining emails on March 24, 2008 (the date on which the parties are required to report to the Court regarding the remaining search issues). Plaintiff's counsel consents to this proposal.

I thank the Court for its consideration of this matter.

Respectfully,

MICHAEL J. GARCIA
United States Attorney

By: 
LARA K. ESHKENAZI
Assistant United States Attorney
Tel. No.: (212) 637-2758

cc: David E. McCraw (by facsimile 212-556-1009)

SO ORDERED 
Dated: 3/17/08 RICHARD J. SULLIVAN
U.S.D.J.